UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/AC.4/1991/2
3 June 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Ninth session
22 July-2 August 1991
Item 4 of the provisional agenda

STANDARD-SETTING ACTIVITIES: EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS POPULATIONS

Information received from United Nations organs, specialized agencies and intergovernmental organizations

CONTENTS

	Paragraphs	Page
INTRODUCTION	1 - 3	2
I. Information submitted by United Nations organs	4 - 5	2
A. United Nations Centre on Transnational Corporations	4 - 5	2

GE.91-12134/0370H

INTRODUCTION

1. By its resolution 1982/34 of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, including information requested by the Secretary-General annually, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. The Sub-Commission, in its resolution 1990/26, requested the Secretary-General to transmit the report of the Working Group to intergovernmental organizations for specific comments and suggestions aimed at clarification, simplification and generalization of the texts contained in the annexes. The Commission on Human Rights endorsed this request in its resolution 1991/59 of 6 March 1991. In accordance with these resolutions, appropriate communications were sent to intergovernmental organizations on 10 December 1990.

3. The present document contains replies received as of 31 May 1991 from intergovernmental organizations commenting on the first revised text of the draft universal declaration of indigenous rights, as well as the suggestions made by the informal drafting groups. Further replies, if any, will be included in addenda to this document.

I. INFORMATION SUBMITTED BY UNITED NATIONS ORGANS

A. United Nations Centre on Transnational Corporations

4. The United Nations Centre on Transnational Corporations considers that it is important that the draft universal declaration go beyond existing declarations and conventions, particularly the ILO Convention No. 169. Therefore, it seems important to mention the right to self-determination in the operative parts of the declaration and not just in the preamble. The Centre believes that most people understand that self-determination does not imply the right to independent statehood but rather that of participating in decisions which affect their traditions, culture and legal, social and economic structures especially as these are tied to the lands which indigenous groups have traditionally occupied. The right to self-determination might enable indigenous peoples to continue to occupy, manage and use such lands as well as to promote efforts to manage and use them in ways consistent with sustainable development.

5. The Centre has previously commented on paragraph 17 regarding the role of TNCs and is generally satisfied with the current wording. The Centre would like to point out that since that time it has developed a set of Criteria for Sustainable Development Management for TNCs. The Criteria require that TNCs carry out their business decisions in a manner compatible with the rights of local people and nature. This requirement could be used by Governments to develop policies on how TNCs should behave with regard to the use of human and natural resources in developing countries and hence would apply to indigenous peoples.